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HOUSE BILL 1664

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Fisher and Mitchell; by request of The Blue Ribbon Commission on Transportation

Read first time 01/31/2001. Referred to Committee on Transportation.

1 AN ACT Relating to the responsibilities of the transportation  
2 commission; amending RCW 47.01.021, 43.17.020, and 47.01.041;  
3 reenacting and amending RCW 47.01.101; adding new sections to  
4 chapter 47.01 RCW; creating a new section; repealing RCW  
5 47.01.051, 47.01.061, and 47.01.070; and providing an effective  
6 date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature recognizes that more than  
9 four hundred sixty-eight governmental entities have authority for  
10 transportation planning, funding, management, and construction in  
11 Washington state. The legislature also recognizes the need for and  
12 importance of accountability and efficiency in state  
13 government. The legislature further recognizes that a lack of  
14 governmental coordination among jurisdictions creates an inability  
15 to provide an integrated transportation system. Therefore, it is  
16 the intent of the legislature to create a single point of  
17 accountability at the state level to monitor and analyze the  
18 performance of the state's transportation system and ensure that

1 statewide transportation benchmarks are achieved. It is the further  
2 intent of the legislature to authorize the governor to appoint the  
3 secretary of transportation and establish a new transportation  
4 accountability commission, which will replace the Washington  
5 transportation commission.

6 **Sec. 2.** RCW 47.01.021 and 1977 ex.s. c 151 s 2 are each amended to  
7 read as follows:

8 As used in this title unless the context indicates otherwise:

9 (1) "Department" means the department of transportation created  
10 in RCW 47.01.031;

11 (2) "Commission" means the transportation accountability  
12 commission created in ((RCW 47.01.051)) section 4 of this act;

13 (3) "Secretary" means the secretary of transportation as  
14 provided for in RCW 47.01.041.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01  
16 RCW to read as follows:

17 The department has the following functions, powers, and duties:

18 (1) To propose policies to be adopted by the legislature  
19 designed to assure the development and maintenance of a  
20 comprehensive and balanced statewide transportation system that  
21 will meet the needs of the people of this state for safe and  
22 efficient transportation services. Wherever appropriate the  
23 policies will provide for the use of integrated, intermodal  
24 transportation systems to implement the social, economic, and  
25 environmental policies, goals, and objectives of the people of the  
26 state, and especially to conserve nonrenewable natural resources  
27 including land and energy. To this end, the department shall:

28 (a) Develop transportation policies that are based on the  
29 policies, goals, and objectives expressed and inherent in state  
30 laws and the transportation accountability commission's  
31 transportation benchmarks; and

32 (b) Inventory the adopted policies, goals, and objectives of  
33 the local and areawide governmental bodies of the state and define  
34 the role of the state, regional, and local governments in  
35 determining transportation policies, in transportation planning,  
36 and in implementing the state transportation plan.

1           (2) To prepare and submit a comprehensive and balanced  
2 statewide transportation plan to the legislative transportation  
3 committee and to the house and senate standing committees on  
4 transportation, that must be based on the transportation policy  
5 adopted by the legislature, the benchmarks adopted by the  
6 transportation accountability commission, and applicable state and  
7 federal laws. The plan must take into account federal law and  
8 regulations relating to the planning, construction, and operation  
9 of transportation facilities. The plan must be reviewed and revised  
10 before each regular session of the legislature during an even-  
11 numbered year.

12           (3) To establish the policy of the state on each of the  
13 following items:

14           (a) To provide for the effective coordination of state  
15 transportation planning with national transportation policy, state  
16 and local land use policies, and local and regional transportation  
17 plans and programs;

18           (b) To provide for public involvement in transportation  
19 designed to elicit the public's views both with respect to  
20 adequate transportation services and appropriate means of  
21 minimizing adverse social, economic, environmental, and energy  
22 impact of transportation programs;

23           (c) To integrate the statewide transportation plan with the  
24 needs of the elderly and handicapped, and to coordinate federal  
25 and state programs directed at assisting local governments to  
26 answer those needs;

27           (d) To provide for the administration of grants in aid and  
28 other financial assistance to counties and municipal corporations  
29 for transportation purposes; and

30           (e) To provide for the management, sale, and lease of property  
31 or property rights owned by the department that are not required  
32 for transportation purposes.

33           (4) To approve and propose to the governor before the convening  
34 of each regular session during an odd-numbered year a recommended  
35 budget for the operation of the department and for carrying out  
36 the program of the department for the ensuing biennium. The  
37 proposed budget must separately state the appropriations to be  
38 made from the motor vehicle fund for highway purposes in

1 accordance with constitutional limitations and appropriations and  
2 expenditures to be made from the general fund, or accounts  
3 thereof, and other available sources for other operations of the  
4 department.

5 (5) To approve the issuance and sale of all bonds authorized by  
6 the legislature for capital construction of state highways, toll  
7 facilities, Columbia Basin county roads (for which reimbursement  
8 to the motor vehicle fund has been provided), urban arterial  
9 projects, and aviation facilities.

10 (6) To adopt such rules and policy directives as may be  
11 necessary to carry out reasonably and properly those functions  
12 expressly vested in the department by statute.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.01  
14 RCW to read as follows:

15 The transportation accountability commission is created, to  
16 consist of nine members appointed by the governor, with the  
17 consent of the senate. The seven members of the transportation  
18 commission on the effective date of this act will serve as seven  
19 initial members of the transportation accountability commission  
20 until their terms of office as transportation commissioners  
21 expire. The additional two members of the transportation  
22 accountability commission will be appointed for initial terms to  
23 expire on June 30, 2006, and June 30, 2007. Thereafter all terms  
24 are for six years. No elective state officer or state employee may  
25 be a member of the commission, and not more than five members of  
26 the commission may at the time of appointment or thereafter during  
27 their respective terms of office be members of the same major  
28 political party. At the time of appointment or thereafter during  
29 their respective terms of office, six members of the commission  
30 must reside in the western part of the state and three members  
31 must reside in the eastern part of the state as divided north and  
32 south by the crest of the Cascade mountain range. No more than two  
33 members of the commission may reside in the same county. The  
34 governor may not remove commissioners from office before the  
35 expiration of their terms unless for a disqualifying change of  
36 residence or for cause based upon a determination of incapacity,  
37 incompetence, neglect of duty, or malfeasance in office by the

1 Thurston county superior court, upon petition and show cause  
2 proceedings brought for that purpose in that court and directed to  
3 the commissioner in question. No member may be appointed for more  
4 than two consecutive terms.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.01  
6 RCW to read as follows:

7 The transportation accountability commission shall meet at such  
8 times as it deems advisable but at least once every month. It may  
9 adopt its own rules and may establish its own procedures. It shall  
10 act collectively in harmony with recorded resolutions or motions  
11 adopted by the majority vote of at least five members. The  
12 commission may employ an executive director and other staff as  
13 necessary, and shall elect one of its members as the chair for a  
14 term of one year. The chair may vote on all matters before the  
15 commission.

16 Each member of the commission will be compensated in accordance  
17 with RCW 43.03.250 and reimbursed for actual necessary traveling  
18 and other expenses in going to, attending, and returning from  
19 meetings of the commission or that are incurred in the discharge  
20 of duties requested by the chair. However, in no event may a  
21 commissioner be compensated in any year for more than one hundred  
22 twenty days, except the chair of the commission may be compensated  
23 for not more than one hundred fifty days. Service on the commission  
24 does not qualify as service credit for the purposes of a public  
25 retirement system.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 47.01  
27 RCW to read as follows:

28 The transportation accountability commission shall serve as a  
29 single, independent, statewide point of accountability for  
30 reporting and monitoring the performance of an integrated  
31 transportation system. The commission has the following functions,  
32 powers, and duties:

33 (1) Take responsibility for overseeing the attainment of  
34 benchmarks adopted by the blue ribbon commission on transportation  
35 on November 29, 2000, and make changes to current benchmarks or  
36 set new transportation benchmarks when appropriate;

- 1 (2) Report annually to the governor and the legislature on:  
2 (a) Progress toward achieving reform and efficiencies;  
3 (b) Progress toward accomplishment of the legislature's adopted  
4 investment strategies; and  
5 (c) Policy proposals for furthering progress toward benchmarks  
6 and related transportation policies;  
7 (3) Review regional and integrated statewide transportation  
8 plans and budgets and advise local and state entities on whether  
9 those plans and budgets are consistent with statewide  
10 transportation benchmarks;  
11 (4) Monitor and report the efforts at the state, city, county,  
12 and transit district levels on adopting leading edge  
13 transportation strategies and achieving transportation benchmarks.

14 **Sec. 7.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended  
15 to read as follows:

16 There shall be a chief executive officer of each department to  
17 be known as: (1) The secretary of social and health services, (2)  
18 the director of ecology, (3) the director of labor and industries,  
19 (4) the director of agriculture, (5) the director of fish and  
20 wildlife, (6) the secretary of transportation, (7) the director of  
21 licensing, (8) the director of general administration, (9) the  
22 director of community, trade, and economic development, (10) the  
23 director of veterans affairs, (11) the director of revenue, (12)  
24 the director of retirement systems, (13) the secretary of  
25 corrections, ~~((and))~~ (14) the secretary of health, and (15) the  
26 director of financial institutions.

27 Such officers, except the ~~((secretary of transportation and  
28 the))~~ director of fish and wildlife, shall be appointed by the  
29 governor, with the consent of the senate, and hold office at the  
30 pleasure of the governor. ~~((The secretary of transportation shall  
31 be appointed by the transportation commission as prescribed by RCW  
32 47.01.041.))~~ The director of fish and wildlife shall be appointed  
33 by the fish and wildlife commission as prescribed by RCW  
34 77.04.055.

35 **Sec. 8.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each  
36 amended to read as follows:

1       The executive head of the department of transportation shall be  
2 the secretary of transportation, who shall be appointed by the  
3 ~~((transportation commission, and))~~ governor with the consent of  
4 the senate. The secretary shall be paid a salary to be fixed by the  
5 governor in accordance with the provisions of RCW 43.03.040. The  
6 secretary ~~((shall be an ex officio member of the commission~~  
7 ~~without a vote. The secretary shall be the chief executive officer~~  
8 ~~of the commission and be responsible to it, and shall be guided by~~  
9 ~~policies established by it. The secretary shall serve until removed~~  
10 ~~by the commission, but only for incapacity, incompetence, neglect~~  
11 ~~of duty, malfeasance in office, or failure to carry out the~~  
12 ~~commission's policies. Before a motion for dismissal shall be acted~~  
13 ~~on by the commission, the secretary shall be granted a hearing on~~  
14 ~~formal written charges before the full commission. An action by the~~  
15 ~~commission to remove the secretary shall be final))~~ serves at the  
16 pleasure of the governor.

17       **Sec. 9.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are  
18 each reenacted and amended to read as follows:

19       The secretary shall have the authority and it shall be his or  
20 her duty, subject to policy guidance from the ~~((commission))~~  
21 governor:

22       (1) To serve as chief executive officer of the department with  
23 full administrative authority to direct all its activities;

24       (2) To organize the department as he or she may deem necessary  
25 to carry out the work and responsibilities of the department  
26 effectively;

27       (3) To designate and establish such transportation district or  
28 branch offices as may be necessary or convenient, and to appoint  
29 assistants and delegate any powers, duties, and functions to them  
30 or any officer or employee of the department as deemed necessary  
31 to administer the department efficiently;

32       (4) To direct and coordinate the programs of the various  
33 divisions of the department to assure that they achieve the  
34 greatest possible mutual benefit, produce a balanced overall  
35 effort, and eliminate unnecessary duplication of activity;

36       (5) To adopt all department rules that are subject to the

1 adoption procedures contained in the state Administrative Procedure  
2 Act(~~(, except rules subject to adoption by the commission pursuant~~  
3 ~~to statute))~~;

4 (6) To maintain and safeguard the official records of the  
5 department(~~(, including the commission's recorded resolutions and~~  
6 ~~orders))~~;

7 (~~(To provide full staff support to the commission to assist~~  
8 ~~it in carrying out its functions, powers, and duties and to~~  
9 ~~execute the policy established by the commission pursuant to its~~  
10 ~~legislative authority~~;

11 ~~(8))~~ To execute and implement the biennial operating budget  
12 for the operation of the department in accordance with chapter  
13 43.88 RCW and with legislative appropriation and, in such manner  
14 as prescribed therein, to make and report to the (~~(commission))~~  
15 governor and the chairs of the transportation committees of the  
16 senate and house of representatives, including one copy to the  
17 staff of each of the committees, deviations from the planned  
18 biennial category A and H highway construction programs necessary  
19 to adjust to unexpected delays or other unanticipated  
20 circumstances(~~(-))~~);

21 (~~((9))~~) (8) To exercise all other powers and perform all other  
22 duties as are now or hereafter provided by law.

23 NEW SECTION. Sec. 10. A new section is added to chapter 47.01  
24 RCW to read as follows:

25 All references in the Revised Code of Washington to the  
26 transportation commission that assign committee membership, or  
27 administrative or policy-making authority, are transferred to the  
28 secretary of transportation.

29 NEW SECTION. Sec. 11. The following acts or parts of acts are each  
30 repealed:

31 (1) RCW 47.01.051 (Commission created--Appointment of members--  
32 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5;

33 (2) RCW 47.01.061 (Commission--Procedures and internal operations)  
34 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29,  
35 1981 c 59 s 1, & 1977 ex.s. c 151 s 6; and

1 (3) RCW 47.01.070 (Director's and commissioner's prior assignments  
2 may be delegated) and 1977 ex.s. c 151 s 27 & 1961 c 13 s  
3 47.01.070.

4 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2002.

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